IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.243 OF 2005
IN
FIRST APPEAL NO.567 OF 1986

Shri Shamrao Bhimrao Patil, .. Applicant
Vs
Bank of India, .. Respondent

Mr P. Banerjee i/b Mr S.D.Dharmadhikario, for the applicant.
Mr C.R.Dalvi, for the respondent. (Absent)

CORAM : S.B.MHASE &
D.B.BHOSALE, JJ.

DATE : MARCH 15, 2005.

P.C.

1. Heard.

2. This is an application in respect of First Appeal No.567 of 1986 which was disposed of by the Consent Terms. It appears that while during pendency of this appeal an amount of Rs. one lac was deposited by way of security and the said amount was deposited in a nationalised Bank, however, in the consent terms it was not provided as to what is happened to this amount and the matter was disposed of.

3. By this application, the applicant prays that the said amount of Rs. one lac with interest accrued on the said amount be paid to the applicant. We have

issued notice to other side. No one appears for other side. However, the learned Advocate for the applicant has produced on record a letter addressed to Shri S.D.Dharmadhikari, who is an Advocate for the applicant. The said letter has been issued by the Zonal Manager of the Bank on 23.2.2005.It was addressed to Mr. C.R.Dalvi, Advocate and a copy of the said letter has been sent to Shri S.D.Dharmadhikari, Advocate. It has been communicated that the Bank has no objection for withdrawal of Rs. one lac along with interest by Shamrao Bhimrao Patil from Mumbai High Court since the accounts of Shamrao Bhimrao Patil is closed in the books of the Bank. The said letter is taken on record and marked "X" for identification. As there is no objection by the Bank and since inspite of service on the Bank no one appears on behalf of the Bank, we find it appropriate to allow this application. We, therefore, allow the application in terms of prayer clause (a). It is directed to the office that the said amount of Rs.one lac along with accrued interest thereon shall be paid to Shamrao Bhimrao Patil by cheque. The civil application is disposed of.

(D.B.Bhosale, J.) **(S.B.MHASE, J.)**

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